

IN THE CLAIMS

Please amend claims 1, 40-56 as indicated in the following list of pending claims.

PENDING CLAIMS

1. (Currently Amended) A biopsy instrument for retrieving tissue specimen from surrounding tissue at a target site, having a longitudinal axis and comprising:

an elongated shaft having a distal end adapted for entry into a patient's body;
and

an elongated electrosurgical cutting element longitudinally disposed on a distal portion of the ~~instrument~~ shaft proximal to the distal end which is actuatable between a radially retracted ~~position and~~ position and a radially extended position and which is rotationally movable in said radially extended position to electrosurgically isolate a desired tissue specimen from surrounding tissue at the target site by defining a peripheral margin about said tissue specimen.

Claims 2-39 (Cancelled)

40. (Previously presented) A instrument assembly for isolating target tissue from an intracorporeal site, comprising:

- a. an elongate shaft which has a longitudinal axis and a distal end; and
- b. an elongated electrosurgical tissue cutting element which is longitudinally disposed on the elongate shaft proximal of the distal end of the shaft, which is radially extendable from a retracted position to a radially

extended position, which is configured to be rotated at least in part about the longitudinal axis in a radially extended arcuate position while receiving electrical power from a high frequency electrical power source to electrosurgically isolate a desired tissue specimen from surrounding tissue by defining a peripheral margin about at least part of the tissue specimen.

41. (Previously presented) The instrument assembly of claim 40 which includes an electrical conductor configured to electrically interconnect the electrosurgical tissue cutting element to the high frequency electrical power source.

42. (Previously presented) The instrument assembly of claim 40 wherein the electrosurgical cutting element has a proximal end and a distal end and which is configured to move one end closer to the other end to effect radial extension from the retracted position to the radial extended position.

43. (Previously presented) The instrument assembly of claim 42 wherein the electrosurgical cutting element is configured so that the distal end is fixed and the proximal end moves toward the distal end in order to radially extend the electrosurgical cutting element.

44. (Previously presented) The instrument assembly of Claim 40, wherein the electrosurgical cutting element comprises a monopolar electrode.

45. (Previously presented) The instrument assembly of Claim 40, wherein the electrosurgical cutting element comprises a bipolar electrode.

46. (Previously presented) The instrument assembly of Claim 40, including a sheath which is axially movable between distal and proximal positions for selectively covering and uncovering the electrosurgical cutting element.

47. (Previously presented) The instrument assembly of Claim 46, including a proximal driver unit for controlling radial expansion and retraction of the electrosurgical cutting element and rotation of the cutting element about the longitudinal axis.

48. (Previously presented) The instrument assembly of Claim 47, wherein the proximal driver unit further controls axial movement of said shaft and axial movement of said sheath.

49. (Previously presented) The instrument assembly of Claim 40, wherein the electrosurgical cutting element is configured to be manipulated to segment the tissue specimen.

50. (Previously presented) The instrument assembly of Claim 49, wherein the electrosurgical tissue cutting element is configured to segment the tissue specimen after tissue specimen has been isolated from the surrounding tissue.

51. (Previously presented) The instrument assembly of claim 49 wherein the tissue cutting element is configured to segment the tissue specimen as the tissue specimen is being retracted from said radially extended position to said retracted position.

52. (Previously presented) The instrument assembly of Claim 51, wherein the radially extended position comprises a first radially extended position, and wherein

the electrosurgical cutting element is further actuatable to a plurality of additional radially extended positions and rotatable about the longitudinal axis in each of said radially extended positions to selectively peripherally segment said tissue specimen.

53. (Previously presented) The instrument assembly of Claim 50, and further comprising a cannula having a lumen for providing a passageway into the patient's body, the segments of the tissue specimen being removable from the patient's body through the cannula.

54. (Previously presented) A system for isolating body tissue, comprising:
- a. an elongate shaft having a longitudinal axis, a distal end and a tissue cutting element on the distal end;
 - b. an electrosurgical tissue cutting element disposed on the elongate shaft proximal of the tissue cutting element on the distal end which is radially extendable from a radially retracted position to a radially extended position, relative to the longitudinal axis, having an arcuate shape and being movable in said radially extended position and arcuate shape to isolate a desired tissue specimen from surrounding tissue by defining a peripheral margin about said tissue specimen; and
 - c. a source of radiofrequency energy which is electrically connected to the electrosurgical tissue cutting element.

55. (Previously presented) The system for isolating body tissue as recited in Claim 54, wherein the electrosurgical tissue cutting element comprises a monopolar electrode.

56. (Previously presented) The system for isolating body tissue as recited in Claim 54, wherein the electrosurgical tissue cutting element comprises a bipolar electrode.